

**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY  
OF ORIGINAL FILED**

Los Angeles Superior Court

OCT 02 2018

Sherri R. Carter, Executive Officer/clerk

By Shaunya Bolden, Deputy

**NOTICE TO DEFENDANT:**

**(AVISO AL DEMANDADO):**

USA MINISO DEPOT, INC., a corporation, and DOES 1 through 100, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

APS&EE, LLC, a limited liability company

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

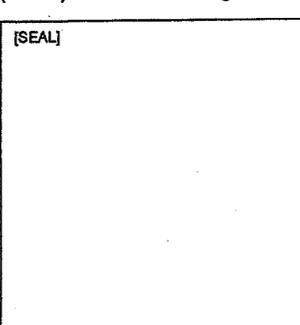
The name and address of the court is:  
(El nombre y dirección de la corte es): Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, California 90012

CASE NUMBER:  
(Número del Caso) **BC 7 2 3 9 8 7**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Lucas T. Novak, Esq., 8335 W Sunset Blvd., Suite 217, Los Angeles, California 90069

DATE: **OCT 02 2018**  
(Fecha) **SHERRI R. CARTER** Clerk, by **SHAUNYA BOLDEN**, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): Lucas T. Novak, Esq. (SBN 257484) Law Offices of Lucas T. Novak 8335 W Sunset Blvd, Suite 217 Los Angeles, California 90069 TELEPHONE NO.: 323-337-9015 FAX NO.: ATTORNEY FOR (Name): Plaintiff, APS&EE, LLC	FOR COURT USE ONLY  <b>CONFORMED COPY OF ORIGINAL FILED</b> Los Angeles Superior Court  <b>OCT 02 2018</b>  Sherri R. Carter, Executive Officer/Clerk  By Shaunya Bolden, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 Central District BRANCH NAME:	
CASE NAME: APS&EE, LLC v. MINISO USA DEPOT, INC., et al.	CASE NUMBER: <b>BC 7 2 3 9 8 7</b>  JUDGE:  DEPT:
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive

4. Number of causes of action (specify): **One - Violation of Proposition 65**

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **October 1, 2018**  
 Lucas T. Novak, Esq.

  
 SIGNATURE OF PARTY OR ATTORNEY FOR PARTY

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 Lucas Novak (SBN 257484)  
2 LAW OFFICES OF LUCAS T. NOVAK  
3 8335 W Sunset Blvd., Suite 217  
4 Los Angeles, CA 90069  
5 Telephone: (323) 337-9015  
6 Email: lucas.nvk@gmail.com  
7 Attorney for Plaintiff, APS&EE, LLC

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OF ORIGINAL FILED  
Los Angeles Superior Court

**OCT 02 2018**

Sherril R. Carter, Executive Officer/clerk  
By Shaunya Bolden, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

**BC 7 2 3 9 8 7**

10 APS&EE, LLC, a limited liability company, )  
11 Plaintiff, )  
12 v. )  
13 USA MINISO DEPOT, INC., a corporation, )  
14 and DOES 1 through 100, inclusive, )  
15 Defendants. )  
16 )  
17 )

CASE NO. \_\_\_\_\_

**PLAINTIFF'S COMPLAINT FOR  
CIVIL PENALTIES AND INJUNCTIVE  
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

Judge:  
Dept.:  
Compl. Filed:

Unlimited Jurisdiction

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1 **INTRODUCTION**

2 1. This Complaint is brought by Plaintiff, APS&EE, LLC (“Plaintiff”) in the public  
3 interest of the citizens of the State of California, a representative action to enforce the People’s  
4 right to be informed of the presence of lead (“Lead”), a chemical known to the State of  
5 California to cause cancer and birth defects or other reproductive harm, found in the Miniso Cell  
6 Phone pouches sold by Defendants.

7 2. The purpose of this Complaint is to remedy Defendants’ continuing failure to  
8 warn California residents about the risk of exposure to the Lead in the Miniso Cell Phone  
9 pouches manufactured, distributed, sold, and/or offered for sale to consumers in California.

10 3. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell  
11 Miniso Cell Phone pouches, including yellow 4-514448-209414, containing hazardous levels of  
12 the Lead. The products described in this paragraph shall hereinafter be referred to as the  
13 “Products”.

14 4. Children and adults are exposed to the Lead when they use, touch, handle, play  
15 with, repair, or maintain the Products.

16 5. Hazardous levels of the Lead are found in the accessible surface areas of the  
17 Products manufactured, distributed, sold, and/or offered for sale by Defendants to consumers in  
18 California.

19 6. California Health and Safety Code section 25249.6 et seq. (“Proposition 65”)  
20 provides in pertinent part: “[n]o person in the course of doing business shall knowingly and  
21 intentionally expose any individual to a chemical known to the state to cause cancer or  
22 reproductive toxicity without first giving clear and reasonable warning to such individual...”

23 7. Studies repeatedly conclude that exposure to the Lead is hazardous to the health  
24 of children and adults. Children are especially vulnerable to the toxic effects of Lead.  
25 Accordingly, California has listed the Lead as a chemical known to the state to cause cancer and  
26 birth defects or other reproductive harm, and therefore subject to Proposition 65 warning  
27 requirements.

28 8. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell

1 the Products without the required warnings. Defendants' conduct violates the warning  
2 requirements of Proposition 65.

3 **PARTIES**

4 9. Plaintiff is an organization based in California acting in the public interest.  
5 Plaintiff brings this action in the public interest pursuant to California Health and Safety Code  
6 section 25249.7(d).

7 10. Defendant, USA MINISO DEPOT, INC. is a person in the course of doing  
8 business within the meaning of California Health and Safety Code section 25249.11. USA  
9 MINISO DEPOT, INC. manufactures, distributes, and/or sells the Products for sale and use in  
10 California.

11 11. DOES 1 through 100 are each a person in the course of doing business within the  
12 meaning of California Health and Safety Code section 25249.11. DOES 1 through 100  
13 manufacture, distribute, and/or sell the Products for sale and use in California. The true names of  
14 DOES 1 through 100 are unknown to Plaintiff at this time. When their identities are discovered,  
15 Plaintiff's Complaint shall be amended to reflect their true names.

16 12. The defendants identified in paragraphs 10-11 shall collectively be referred to  
17 herein as "Defendants".

18 **JURISDICTION AND VENUE**

19 13. This Court has jurisdiction over this action pursuant to California Health and  
20 Safety Code section 25249.7, which allows enforcement in any court of competent jurisdiction,  
21 and pursuant to California Constitution Article VI, Section 10, because this lawsuit is based on a  
22 cause not given by statute to other trial courts. Moreover, this action belongs in unlimited  
23 jurisdiction since the amount in controversy exceeds \$25,000 and Plaintiff seeks permanent  
24 injunctive relief.

25 14. This Court has jurisdiction over Defendants because each is a person, firm,  
26 corporation, or association with sufficient minimum contacts in the State of California, or  
27 otherwise purposefully avails itself to the California market as to render jurisdiction by the  
28 California courts consistent with traditional notions of fair play and substantial justice.





1 by 27 CCR section 25601;

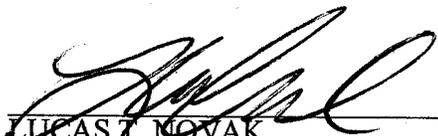
2 3. That the Court, pursuant to California Health & Safety Code section 25249.7(a),  
3 order Defendants to take action to stop ongoing unwarned exposures to Lead resulting from use  
4 of Products sold by Defendants;

5 4. That the Court, pursuant to California Code of Civil Procedure section 1021.5, or  
6 any other applicable theory, grant Plaintiff's reasonable attorneys' fees and costs of suit; and

7 5. Such other and further relief as may be just and proper.

8  
9 Dated: October 1, 2018

LAW OFFICES OF LUCAS T. NOVAK

10  
11 By:   
12 LUCAS T. NOVAK  
13 Attorney for Plaintiff, APS&EE, LLC  
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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Reserved for Clerk's File Stamp

**CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court**

**OCT 02 2018**

**Sherri R. Carter, Executive Officer/Clerk**

**By Shaunya Bolden, Deputy**

COURTHOUSE ADDRESS:  
111 North Hill Street, Los Angeles, CA 90012

**NOTICE OF CASE ASSIGNMENT  
UNLIMITED CIVIL CASE - IC**

CASE NUMBER:

**BC 7 2 3 9 8 7**

Your case is assigned for all purposes to the judicial officer indicated below.

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Debre K. Weintraub	1	534	Hon. Randolph Hammock	47	507
Hon. Barbara A. Meiers	12	636	Hon. Elizabeth Allen White	48	506
Hon. Terry A. Green	14	300	Hon. Deirdre Hill	49	509
Hon. Richard Fruin	15	307	<u>Hon. Teresa A. Beaudet</u>	50	508
Hon. Lia Martin	16	306	Hon. Dennis J. Landin	51	511
Hon. Richard E. Rico	17	309	Hon. Susan Bryant-Deason	52	510
Hon. Stephanie Bowick	19	311	Hon. Robert Broadbelt	53	513
Hon. Dalila Corral Lyons	20	310	Hon. Ernest M. Hiroshige	54	512
Hon. Patricia Nieto	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Yvette M. Palazuelos	28	318	Hon. Holly J. Fujie	56	514
Hon. Barbara Scheper	30	400	Hon. Steven J. Kleifield	57	517
Hon. Samantha Jessner	31	407	Hon. John P. Doyle	58	516
Hon. Daniel S. Murphy	32	406	Hon. Gregory Keosian	61	732
Hon. Michael P. Linfield	34	408	Hon. Michael L. Stern	62	600
Hon. Gregory Alarcon	36	410	Hon. Mark Mooney	68	617
Hon. David S. Cunningham	37	413	Hon. William F. Fahey	69	621
Hon. Maureen Duffy-Lewis	38	412	Hon. Monica Bachner	71	729
Hon. Elizabeth Feffer	39	415	Hon. Ruth Ann Kwan	72	731
Hon. David Sotelo	40	414	Hon. Rafael Ongkeko	73	733
Hon. Holly E. Kendig	42	416	Hon. Michelle Williams Court	74	735
Hon. Mel Red Recana	45	529	Hon. Robert S. Draper	78	730

Given to the Plaintiff/Cross-Complainant/Attorney of Record

**OCT 02 2018**

on \_\_\_\_\_ (Date)

**SHAUNYA BOLDEN**  
SHERRI R. CARTER, Executive Officer/Clerk of Court

By \_\_\_\_\_, Deputy Clerk